

## United States District Court, Northern District of Illinois

JS-6

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 50307	DATE	8/30/2004
CASE TITLE	Saladino vs. Redisi		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] For the reasons stated on the reverse memorandum opinion and order, the court grants defendants' motion to dismiss, denies all other pending motions, and dismisses this cause in its entirety.

*Philip G. Reinhard*

- (11) ☒ [For further detail see order on the reverse side of the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input checked="" type="checkbox"/> Copy to judge/magistrate judge. <input checked="" type="checkbox"/>	LC courtroom deputy's initials	U.S. DISTRICT COURT 2004 AUG 30 PM 2:51	number of notices	Document Number 80
			8-31-04 date docketed	
			<i>PT</i> docketing deputy initials	
			8-30-04 date mailed notice	
			<i>XUR</i> mailing deputy initials	
Date/time received in central Clerk's Office				

## MEMORANDUM OPINION AND ORDER

Plaintiff, Frank Saladino, filed a pro se complaint on August 2, 2002. Later, plaintiff, who was then represented by counsel, filed an amended complaint alleging a claim under the Racketeer Influence and Corrupt Organizations Act of 1970 (RICO), 18 U.S.C. § 1961, against defendants, the Redisi Family Partnership, Frank Redisi, Sr., Frank Redisi, Jr., Michael Redisi, Kathleen Redisi, Jacqueline Redisi, Roberta Bralich, and Vita Redisi. The amended complaint added as another plaintiff, Worldwide General Contracting, Inc.

Subsequent to the filing of the amended complaint, plaintiffs' attorney withdrew and plaintiffs continued the litigation pro se. Defendants have filed a motion to dismiss based on the four- year statute of limitations for RICO, contending that plaintiffs knew of their injury in 1996 when they filed claims in state court arising out of the same conduct that provides the basis for the RICO claim here. Plaintiffs have filed a response to the motion to dismiss, although they do not submit any contention refuting or excusing the statute of limitations argument. Plaintiffs have also filed a plethora of motions, including a motion for sanctions, a motion for sanctions under Fed. R. Civ. P. 37, a motion for injunctive relief, and a motion for default judgment, among others. Many of the motions are difficult if not impossible to decipher and are lacking in a proper legal basis. The court will first address the motion to dismiss as that is potentially dispositive.

There is a four- year statute of limitations for a RICO claim. Perry v. Globe Auto Recycling, Inc., 227 F. 3d 950, 954 (7<sup>th</sup> Cir. 2000). The RICO limitations period runs from the discovery of the injury and not from discovery of the other elements of the claim. Perry, 227 F. 3d at 954, citing Rotella v. Wood, 528 U.S. 549 (2000).

In this case, plaintiffs first filed claims in the state court back in 1996 which were based on the conduct now alleged to support the RICO claim here. See Saladino v. Redisi, No. 2-01-1262, unpublished order under Illinois Supreme Court Rule 23 (Dec. 03, 2003). It is apparent from reading the factual discussion of the 1996 actions by the Illinois appellate court that plaintiffs were aware of their alleged RICO injury when they filed the 1996 contract and fraud actions. Giving plaintiffs the greatest benefit of the doubt, the RICO limitations period began to run at the end of 1996. Thus, they had four years from then, or until the end of 2000, to file their RICO action. They did not do so, however, until August 2, 2002. Plaintiffs, in their response and their many other motions, have not attempted to refute the applicability of the statute of limitations. Therefore, the action here is time- barred. Having found the action barred by the statute of limitations, the court denies all other pending motions as moot and/or frivolous.

For the foregoing reasons, the court grants defendants' motion to dismiss, denies all other pending motions, and dismisses this cause in its entirety.